

1 MICHAEL N. FEUER, City Attorney, SBN 111529
2 MARY CLARE MOLITOR, Chief, Criminal & Special Lit. Branch, SBN 82404
3 JONATHAN CRISTALL, Supervising Assistant City Attorney, SBN 191935
4 LIORA FORMAN-ECHOLS, Assistant Supervising Deputy City Attorney, SBN 184135
5 JENNIFER VARELA, Deputy City Attorney, SBN 216189
6 200 North Main Street, Room 966
7 Los Angeles, California 90012
8 Phone: (213) 978-4090
9 Fax: (213) 978-8717
10 Email: Jennifer.Varela@lacity.org

NO FEE - GOV'T CODE §6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

APR 18 2017

Sherri R. Carter, Executive Officer/Clerk

By: M. Soto, Deputy
Moses Soto

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

EMILIE A. GOSLINE, an individual and as trustee
of the GOSLINE LIVING TRUST DATED
OCTOBER 27, 2003; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: BC 658117

COMPLAINT FOR ABATEMENT
AND INJUNCTION

[HEALTH & SAFETY CODE SECTION
11570, ET SEQ.; CIVIL CODE
SECTION 3479, ET SEQ.]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People"), for the purpose of abating, preventing and enjoining a narcotics-related public nuisance that exists at a single family dwelling located in North Hollywood, with an address commonly known as 6548 Cleon Avenue, North Hollywood, CA 91606 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Act ("NAL"), California Health and Safety Code section 11570, et seq. and the Public Nuisance

1 Law ("PNL"), California Civil Code sections 3479-3480, *et seq.*

2 2. For more than a year, the Property has been, and continues to be, a narcotics
3 nuisance where the sale of heroin and methamphetamine and other controlled substances
4 takes place on a regular and continuous basis to steady streams of drug users and buyers
5 who walk, bike and drive up to the Property to purchase drugs. The Property has, and
6 continues to have, a well-known reputation in the surrounding community and with the Los
7 Angeles Police Department ("LAPD") as a prominent narcotics sales location.

8 3. During the past year law enforcement has made 18 narcotics-related arrests at
9 or connected to the Property and served a narcotics search warrant at the Property. The
10 most recent narcotics-related arrest occurred on March 29, 2017, when an individual riding a
11 bicycle went to the Property and purchased methamphetamine. On April 6, 2017, North
12 Hollywood Locos gang members were seen by law enforcement "hanging out" in the front
13 yard of the Property. These gang members ran *inside* the Property when they observed the
14 police.

15 4. Defendant EMILIE A. GOSLINE ("Defendant" or "Defendant Gosline"), a 74-
16 year-old woman, has owned the Property since May 17, 1988, and most recently as trustee of
17 the GOSLINE LIVING TRUST dated October 27, 2003 ("Gosline Trust"). Defendant lives at
18 the Property and is frequently present at the Property while drug activity is occurring and
19 when police respond to the location. She has exhibited a maternal tendency toward some of
20 the individuals involved in the narcotics activity. Defendant was arrested at the Property on
21 November 1, 2016, during the service of a narcotics search warrant, for maintaining a location
22 where narcotics were being sold. On January 11, 2017, Defendant was criminally convicted
23 of building violations related to habitability that occurred at the Property and received 24
24 months of summary probation.

25 5. On two separate occasions, over the past year, authorities met with Defendant
26 to inform her of the narcotics nuisance occurring on her Property. On July 26, 2016, police
27 officers and members of the community surrounding the Property met with the Defendant to
28 discuss the narcotics related activity occurring there. Then again on February 16, 2017, a Los

1 Angeles Deputy City Attorney (other than the undersigned) and a LAPD Senior Lead Officer
2 met with the Defendant and again informed her of the narcotics nuisance activity happening at
3 her Property, as well as the legal nuisance abatement process that might be actuated if the
4 activity at the Property did not stop. The prosecutor and officer also provided the Defendant
5 with a list of suggested improvements on specifically how to abate the nuisance activity at the
6 Property. Defendant Gosline failed to implement those suggested improvements.

7 6. Plaintiff is filing this lawsuit in an effort to protect public safety as it is only a
8 matter of time before someone is seriously injured – or killed – as a result of the criminal
9 activity occurring at the Property. The people in the surrounding neighborhood cannot be
10 expected to perpetually endure this continual nuisance activity. The intent of this nuisance
11 abatement prosecution is to halt the unacceptable state of affairs at the Property once and for
12 all.

13 **II. THE PARTIES AND THE PROPERTY**

14 **A. Plaintiff**

15 7. Plaintiff, the People, is the sovereign power of the State of California designated
16 in California Health and Safety Code section 11571 and California Code of Civil Procedure
17 section 731 to be the complaining party in actions brought to abate, enjoin, and penalize
18 public narcotics nuisances and public nuisances, respectively.

19 **B. The Defendant**

20 8. Defendant Gosline is the trustee of the Gosline Living Trust which has owned
21 the Property since October 27, 2003. Prior to the Property being placed into a trust,
22 Defendant Gosline owned the Property as an individual since at least May 17, 1988. The
23 Defendant resides at the Property and has done so at all times relevant to this Action.

24 9. The true names and capacities of defendants sued herein as Does 1 through
25 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
26 names. When the true names and capacities of said defendants have been ascertained,
27 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
28 names the true names and capacities of said fictitiously named defendants.

1 **C. The Property**

2 10. The Property is a single-family residence located at the commonly known
3 address of 6548 Cleon Avenue, North Hollywood, CA 91606.¹ It is a two bedroom,
4 approximately 872 square foot, one-story home located in a quiet residential neighborhood.
5 The Property lies within a half-mile of Fair Avenue Elementary School and the Victory-
6 Vineland Recreation Center.

7 **III. THE NARCOTICS ABATEMENT LAW**

8 11. The abatement of a nuisance is a long-established and well-recognized exercise
9 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
10 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
11 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
12 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
13 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
14 division" (Health & Saf. Code, § 11570).

15 12. The NAL provides that every building or place used for the purpose of unlawfully
16 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
17 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
18 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
19 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
20 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

21 13. Health and Safety Code section 11571 authorizes a city attorney to bring an
22 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
23 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
24 maintained, or exists in any county, the district attorney of the county, or the city attorney of
25 any incorporated city or of any city and county, in the name of the people, may . . . maintain
26 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting

27 _____
28 ¹ The Property's legal description is "Parcel A of L.A. Parcel Map No. 5316, in the City of Los Angeles, as per
map recorded in Book 156, Page 29 and 40 of Parcel Maps, in the Office of the County Recorder of Said
County," with Assessor's Parcel Number 2414-029-024.

1 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
2 nuisance exists from directly or indirectly maintaining or permitting the nuisance.”

3 14. Health and Safety Code section 11573(a) provides that: “If the existence of the
4 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
5 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
6 to abate and prevent the continuance or recurrence of the nuisance.” (Emphasis added.) In
7 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
8 removal and sale of all fixtures and movable property on the premises used in aiding or
9 abetting the nuisance and for the closure of the building for up to one year.

10 IV. THE PUBLIC NUISANCE LAW

11 15. Civil Code section 3479 defines a public nuisance as “[a]nything which is
12 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
13 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
14 interfere with the comfortable enjoyment of life or property...”. (See *City of Bakersfield v. Miller*
15 (1966) 64 Cal.2d 93, 99 (“The Legislature has defined in general terms the word ‘nuisance’ in
16 Civil Code section 3479...”).)

17 16. Civil Code section 3480 defines a public nuisance as “one which affects at the
18 same time an entire community or neighborhood, or any considerable number of persons,
19 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

20 17. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs,
21 and boisterous conduct which creates a “hooligan-like atmosphere” constitutes a public
22 nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

23 18. Civil Code section 3491 provides for the methods by which public nuisances,
24 such as those alleged herein, may be abated. Civil Code section 3491 states that the
25 “remedies against a public nuisance are indictment or information, a civil action or
26 abatement.” Abatement is “accomplished by a court of equity by means of an injunction
27 proper and suitable to the facts of each case.” (*Sullivan v. Royer* (1887) 72 Cal. 248, 249;
28 see also *People v. Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 (“[I]n California, the

1 rule is well established that in proper cases injunctive relief which accomplishes the purposes
2 of abatement without its harsh features is permissible.".)

3 19. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
4 to enjoin or abate a public nuisance. It provides, in relevant part, "[a] civil action may be
5 brought in the name of the people of the State of California to abate a public nuisance . . . by
6 the city attorney of any town or city in which such nuisance exists."

7 20. Where "a building or other property is so used as to make it a nuisance under
8 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
9 knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex rel.*
10 *Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L. Harney, Inc.*
11 (1958) 165 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without
12 negligence"); *People v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on
13 findings that such nuisance was conducted and maintained on the premises in question,
14 regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of
15 the owner . . . is unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not
16 necessary . . . for the trial court to find either, that the [defendants] threatened, and unless
17 restrained, would continue to maintain, aid, and abet, the nuisance, or that they knew the
18 building was used in violation of the act. . . . The existence of the nuisance was the ultimate
19 fact in this case, and having been found, supports the judgment.".) This is because "the
20 object of the act is not to punish; its purpose is to effect a reformation of the property itself."
21 (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

22 **V. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

23 **[Health and Safety Code Section 11570, et seq. --**

24 **Against Defendant and DOES 1 through 50]**

25 21. Plaintiff hereby incorporates by reference paragraphs 1 through 20 of this
26 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

27 22. On a continuous and ongoing basis, from an exact date unknown, but since at
28 least 2016, the Property has been and is *currently* being used for the purposes of unlawfully

1 selling, serving, storing, keeping, manufacturing or giving away controlled substances in
2 violation of Health and Safety Code section 11570, *et seq.* Narcotics are sold on the Property
3 to drug users and buyers who are drawn there to purchase narcotics.

4 23. Defendant, and Does 1 through 50, are responsible for conducting, maintaining,
5 and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has no plain,
6 speedy and adequate remedy at law, and unless Defendant, and Does 1 through 50, are
7 restrained and enjoined by order of this Court, they will continue to use, occupy and maintain,
8 and/or to aid, abet or permit, directly or indirectly, the use, occupation and maintenance of the
9 Property, together with the fixtures and appurtenances located therein, for the nuisance
10 complained of herein, to the great and irreparable damage of the public and in violation of
11 California law.

12 **VI. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

13 **[Civil Code section 3479, *et seq.*--**

14 **Against Defendant and DOES 1 through 50]**

15 24. Plaintiff hereby incorporates by reference Paragraphs 1 through 23 of this
16 Complaint and makes them part of this Second Cause of Action as though fully set forth
17 herein.

18 25. On a continuous and ongoing basis, from an exact date unknown, but since at
19 least 2016, through the present time, the Property has been owned, operated, occupied,
20 used, and/or directly or indirectly permitted to be occupied and used, in such a manner as to
21 constitute a public nuisance in violation of Civil Code sections 3479 and 3480. The public
22 nuisance, as described herein, is injurious to health, indecent or offensive to the senses,
23 and/or an obstruction to the free use of property, so as to substantially and unreasonably
24 interfere with the comfortable enjoyment of life or property by those persons living in the
25 surrounding community. The public nuisance at the Property consists of, but is not limited to:
26 narcotics sales drawing in parades of narcotics users and buyers to the Property; stolen
27 bicycles and vehicles being found at the Property; and the threatening and disorderly
28 presence of gang members at the Property.

26. Defendant, and Does 1 through 50, in owning, conducting, maintaining, and/or permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in wrongful conduct and caused a serious threat to the general health, safety and welfare of the law-abiding persons in the area surrounding the Property.

27. Unless Defendant, and Does 1 through 50, are restrained and enjoined by order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the purpose complained of herein, to the great and irreparable damage of Plaintiff and in violation of California law.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

1. That Defendant, Does 1 through 50, and the Property, be declared in violation of Health and Safety Code section 11570, *et seq.*

2. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

3. That the Court grant a preliminary injunction, permanent injunction and order of abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety Code, enjoining and restraining Defendant and their agents, officers, employees and anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on the Property, and/or directly or indirectly maintaining or permitting such nuisance activity.

4. That the Court order physical and managerial improvements to the Property in accordance with California Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, the following: an internet-connected video monitoring

1 system accessible by LAPD; improved lighting; sufficiently secured gating and fencing;
2 improved tenant screening and lease enforcement procedures; armed, licensed security
3 guards; and prohibiting known narcotics users and dealers and gang members from
4 accessing the Property.

5 5. That as part of the Judgment, an Order of Abatement be issued, and that the
6 Property be closed for a period of one year, not to be used for any purpose, and be under the
7 control and custody of this Court for said period of time; or, in the alternative, if the Court
8 deems such closure to be unduly harmful to the community, that Defendant, and Does 1
9 through 50, pay an amount of damages equal to the fair market rental value of the Property
10 for one year to the City or County in whose jurisdiction the nuisance is located in accordance
11 with Health and Safety Code section 11581 subdivision (c)(1).

12 6. That Defendant, and Does 1 through 50, each be assessed a civil penalty in an
13 amount not to exceed twenty-five thousand dollars (\$25,000.00).

14 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
15 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
16 provided for the sale of chattels under execution. Said fixtures and property shall be
17 inventoried and a list prepared and filed with this Court.

18 8. That there shall be excepted from said sale, such property to which title is
19 established in some third party not a defendant, nor agent, officer, employee or servant of any
20 defendant in this proceeding.

21 9. That the proceeds from said sale be deposited with this Court for payment of the
22 fees and costs of sale. Such costs may occur in closing said property and keeping it closed,
23 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
24 other costs as the Court shall deem proper.

25 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
26 allowances, the Property shall also be sold under execution issued upon the order of the
27 Court or judge and the proceeds of such sale shall be applied in a like manner. That any
28 excess monies remaining after payment of approved costs shall be delivered to the owner of

1 said property. Ownership shall be established to the satisfaction of this Court.

2 11. That Defendant, Does 1 through 50, and any agents, trustees, officers,
3 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
4 enjoined from transferring, conveying, or encumbering any portion of the Property, for
5 consideration or otherwise, without first obtaining the Court's prior approval.

6 12. That Defendant, and Does 1 through 50, be ordered to immediately notify any
7 transferees, purchasers, commercial lessees, or other successors in interest to the subject
8 Property of the existence and application of any temporary restraining order, preliminary
9 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
10 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
11 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
12 the subject of this Action.

13 13. That Defendant, and Does 1 through 50, be ordered to immediately give a
14 complete, legible copy of any temporary restraining order and preliminary and permanent
15 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
16 to the Property.

17 14. That Defendant, and Does 1 through 50, be ordered to immediately request and
18 procure signatures from all prospective transferees, purchasers, lessees, or other successors
19 in interest to the subject Property, which acknowledges his/her respective receipt of a
20 complete, legible copy of any temporary restraining order, preliminary and permanent
21 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
22 Office, c/o Deputy City Attorney Jennifer Varela or her designee.

23 15. That Plaintiff recover the costs of this Action, including law enforcement
24 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
25 \$1,000,000.00, from Defendant and Does 1 through 50.

26 **AS TO THE SECOND CAUSE OF ACTION**

27 1. That Defendant, Does 1 through 50, and the Property be declared in violation of
28 Civil Code section 3479, *et seq.*

1 2. That the Property, together with the fixtures and moveable property therein and
2 thereon, be declared a public nuisance and be permanently abated as such in accordance
3 with Civil Code section 3491.

4 3. That Defendant and his agents, officers, managers, employees and anyone
5 acting on his behalf, and his heirs and assignees, be preliminarily and perpetually enjoined
6 from operating, conducting, using, occupying, or in any way permitting the use of the Property
7 as a public nuisance. Such orders should include, but not be limited to physical and
8 managerial improvements to the Properties, and such other orders as are appropriate to
9 remedy the nuisance on the Properties and enhance the abatement process.

10 4. Such costs as may occur in abating said nuisance at the Property and such
11 other costs as the Court shall deem just and proper.

12 5. That Plaintiff be granted such other and further relief as the Court deems just
13 and proper, including closure and/or demolition of the Property.

14 **AS TO ALL CAUSES OF ACTION**

15 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
16 the service of process or notices which would have been paid but for Government Code
17 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
18 amount of the fees for certifying and preparing transcripts.

19 2. That Plaintiff be granted such other and further relief as the Court deems just
20 and proper.

21 DATED: April 18, 2017

22 Respectfully submitted,

23 MICHAEL N. FEUER, City Attorney
24 JONATHAN CRISTALL, Supervising Assist. City Attorney

25 By: 

26 JENNIFER VARELA, Deputy City Attorney
27 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
28 OF CALIFORNIA